

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CORY ELIA *et al*,

Plaintiffs,

v.

MAYOR TED WHEELER *et al*,

Defendants.

3:20-cv-01106-SI

SETTLEMENT CONFERENCE
SCHEDULING ORDER

Settlement Conference is set for 4/26/2022 at 9:00AM by telephone before Magistrate Judge Mustafa T. Kasubhai. **Presence of all parties with settlement authority is required.** This includes anyone who will have input on the decision of whether or not to settle the case, such as a spouse, parent, or any other adviser who may be relied on for advice.

All settlement conferences invariably involve a negotiating process, the sifting of facts, the analysis of legal issues, and the candid evaluation of the strengths and weaknesses of a party's case, along with a realistic appraisal of the anticipated gains from further litigation balanced against the risks associated with that litigation. As such, the Court requires the parties to engage in meaningful discovery **prior to the Settlement Conference**. Additionally, the parties must exchange at least two cycles of demand and counteroffer.

Parties are ordered to submit a Settlement Document to the Court by 12:00PM on 4/19/2022, in which they make realistic proposals of what they are willing to offer or accept to resolve this case. PLEASE SEE ATTACHED INSTRUCTIONS REGARDING THE SETTLEMENT DOCUMENT.

Any party who, without prior Court approval, fails to have all persons with settlement authority present or comply with the Court's instructions for Settlement Conference preparation may be subject to sanctions. Such sanctions may include costs and attorney fees of the other parties attending the Settlement Conference.

Dated this 18th day of February 2022.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States Magistrate Judge

PREPARATION FOR SETTLEMENT CONFERENCE

All communications made in connection with the Settlement Conference are confidential and will not be disclosed to anyone outside of Chambers. All documents submitted for the Settlement Conference will be maintained in Chambers and destroyed thereafter. In preparation for the Settlement Conference, the attorneys for each party are **required to submit a confidential settlement memorandum** that includes the following:

1. A brief analysis of key issues involved in the litigation.
2. A description of the strongest and weakest points in your case, both legal and factual.
3. A description of the strongest and weakest points in your opponent's case, both legal and factual.
4. The specific amounts of the parties' two cycles of demand and counteroffers.
5. The settlement proposal you believe would be fair (*including a specific amount*).
6. The settlement proposal that you would be willing to make in order to conclude the matter and stop the expense of litigation (*including a specific amount*).
7. The method in which this case became scheduled for the Settlement Conference, i.e., ordered by a judge, requested by the parties, etc.

This memorandum is due to Chambers no later than 12:00pm one week prior to the Settlement Conference in PDF form. Do not include links to documents hosted on third-party services such as Dropbox. If a party would like the Court to consider any materials beyond the memorandum described above, the party must submit a three-ring binder with tabs for all documents and exhibits to Chambers one week prior to the settlement conference. **Additionally, one week prior to the Settlement Conference, the parties must submit via email to the Court certification of the following:** (1) that the parties have engaged in meaningful discovery; (2) that the parties have engaged in two cycles of demand and counteroffers and include the specific amounts; and (3) that the parties do not consider the value/exposure of this case to their client *de minimus*. **Failure to submit a timely confidential settlement memorandum and/or failure to send the to the Court an email containing the requisite certifications may be grounds for vacating the Settlement Conference and may subject your client to sanctions.**

The parties and counsel are encouraged to advise the Court of their pronouns and honorifics (such as Mx., Ms., or Mr.). People appearing before this Court may provide their pronouns and honorifics in writing or orally when appearing for conferences, hearings, or trials. Attorneys are encouraged to identify their pronouns and honorifics in their signature lines when submitting documents for filing. Parties and counsel are instructed to address each other in all written documents and court proceedings by those previously identified pronouns and honorifics. For telephonic settlement conferences, the Court will ordinarily first call Plaintiff and call Defendant thereafter.

The settlement submission must be e-mailed to: MKpropdoc@ord.uscourts.gov

Please begin the subject line of your email "SETTLEMENT CONFERENCE" in all capital letters. Thank you for your cooperation in this matter.

Hon. Mustafa T. Kasubhai
U.S. Magistrate Judge
405 East Eighth Avenue
Eugene, Oregon 97401